

ASSEMBLY BILL

No. 2428

**Introduced by Assembly Member Correa
(Coauthor: Assembly Member Cardoza)**

February 21, 2002

An act to amend Section 980 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 2428, as introduced, Correa. Veterans: benefits.

Existing law defines “veteran” for the purposes of the various programs bestowing benefits upon veterans.

This bill would also include within this definition of veteran any member of the reserves or National Guard who is called during any period when a presidential executive order specifies that the United States is engaged in homeland defense. The bill would also revise that definition with regard to “active duty” or “active service.”

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 980 of the Military and Veterans Code
2 is amended to read:

3 980. (a) As used in this chapter, “veteran” means any of the
4 following:

5 (1) Any citizen of the United States who served in the active
6 military, naval, or air service of the United States on or after April
7 6, 1917, and prior to November 12, 1918, and who received an

1 honorable discharge or was released from active duty under
2 honorable conditions.

3 (2) Any person who did all of the following:

4 (A) Served in the active military, naval, or air service of the
5 United States for a period of not less than 90 consecutive days or
6 was discharged from the service due to a service-connected
7 disability within that 90-day period.

8 (B) Received an honorable discharge or was released from
9 active duty under honorable conditions.

10 (C) Performed any portion of that service during any of the
11 following periods:

12 (i) On or after December 7, 1941, and prior to January 1, 1947,
13 including, but not limited to, members of the Philippine
14 Commonwealth Army, the Regular Scouts (“Old Scouts”), and
15 the Special Philippine Scouts (“New Scouts”).

16 (ii) On or after June 27, 1950, and prior to February 1, 1955.

17 (iii) On or after February 28, 1961, and prior to August 5, 1964,
18 in the case of a veteran who served in the Republic of Vietnam
19 during that period.

20 (iv) On or after August 5, 1964, and prior to May 8, 1975.

21 (v) On or after August 2, 1990, to and including the date on
22 which the territories in and around the Arabian Peninsula cease to
23 be designated as a place where the armed forces of the United
24 States are engaged in combat, as described in Executive Order
25 12744 of the President of the United States. It is the intent of the
26 Legislature, in enacting this clause, that the benefits provided by
27 this chapter shall be available to all veterans who were on active
28 duty in the armed forces of the United States or who were called
29 to active duty in the reserves or National Guard during the
30 pendency of the deployment of forces for Operation Desert Shield
31 or Desert Storm, which resulted in Executive Order 12744,
32 irrespective of whether these veterans served overseas or in the
33 United States.

34 (vi) At any time, in a campaign or expedition for service in
35 which a medal has been authorized by the government of the
36 United States, regardless of the number of days served on active
37 duty.

38 (vii) At any time in Somalia, or in direct support of the troops
39 in Somalia, including, but not limited to, persons stationed on
40 ships of the United States armed forces conducting support

1 activities offshore in the vicinity of Somalia, during Operation
2 Restore Hope, regardless of the number of days served.

3 (3) Any member of the reserves or National Guard who does
4 all the following:

5 (A) Is called to, and released from, active duty *or active service*,
6 regardless of the number of days served.

7 (B) Is called during any period when a presidential executive
8 order specifies the United States is engaged in combat *or homeland*
9 *defense*.

10 (C) Has received an honorable discharge or was released from
11 active duty *or active service* under honorable conditions.

12 (4) Any person who did all of the following:

13 (A) Served in the Merchant Marine Service of the United
14 States.

15 (B) Has been granted veteran status by the United States
16 Secretary of Defense under Title IV of the GI Improvement Act of
17 1977 (Public Law 95-202, as amended).

18 (5) Any person who qualifies under federal laws for revenue
19 bond or unrestricted funds (26 U.S.C. Sec. 143) and did all of the
20 following:

21 (A) Served in the active military, naval, or air service of the
22 United States for a period of not less than 90 consecutive days.

23 (B) Received an honorable discharge or was released from
24 active duty *or active service* under honorable conditions.

25 (b) For purposes of this chapter “veteran” does not include any
26 of the following:

27 (1) A person who was separated from the armed forces under
28 other than honorable conditions.

29 (2) A person who was separated from the armed forces on
30 account of alienage.

31 (3) A person who performed no military duty whatever or
32 refused to wear the uniform.

33 (4) A person who served only in an auxiliary or reserve
34 component of the armed forces whose service therein did not
35 provide an exemption from the operation of the Selective Training
36 and Service Act of 1940 (54 Stat. 885, as amended).

37 (5) A person whose service with the armed forces was due to
38 temporary active duty orders for the sole purpose of training duty,
39 processing, or a physical examination.

1 (6) A person whose only service was as a student at a military
2 academy and who, for any reason, failed to complete the course of
3 study and subsequently did not serve on active duty.

4 (c) *For purposes of this section, “active duty” or “active*
5 *service” is defined as provided in 10 U.S.C. Section 101(d).*

